



Paul Helliher
Director

Department of Pesticide Regulation



Gray Davis
Governor
Winston H. Hickox
Secretary, California
Environmental
Protection Agency

March 14, 2003

WHS 03-02

TO: COUNTY AGRICULTURAL COMMISSIONERS

SUBJECT: STATUS OF HAZARD COMMUNICATION AND NOTIFICATION
REGULATIONS (WORKER RIGHT TO KNOW INITIATIVE)

The Department of Pesticide Regulation (DPR) presented regulation concepts pertaining to hazard communication and notification requirements at the Pesticide Regulatory Affairs Committee on February 5, 2003. DPR will be meeting with external stakeholders in April and May to obtain input on the regulation concepts. Attached is a copy of the regulation concepts that will be sent to external stakeholders. I also attached our stakeholder meeting and implementation schedule for this regulation change.

After DPR meets with external stakeholders, we will send you the draft regulations for comment. We will also send the draft regulations to the United States Environmental Protection Agency (U.S. EPA) Region 9 for review. U.S. EPA must grant equivalency for regulations that impact the Worker Protection Standard.

We look forward to working with you on the Worker Right to Know Initiative to improve notification and hazard communication requirements. If you have any questions regarding this project, please contact Ms. Susan McCarthy of DPR's Worker Health and Safety Branch at (916) 445-6387, or smccarthy@cdpr.ca.gov.

Sincerely,

[original signed by C. Andrews]

Charles M. Andrews, Chief
Worker Health and Safety Branch
(916) 445-4222

Attachments

cc: Mr. Scott T. Paulsen, Chief, Enforcement Branch
Mr. Daniel J. Merkley, Agricultural Commissioner Liaison
Ms. Susan McCarthy, Program Specialist
Ms. Katy Wilcoxon, U.S. EPA Region 9

FLEX YOUR POWER! For simple ways to reduce energy demand and costs, see <www.cdpr.ca.gov>.



Summary of Hazard Communication Regulation Concepts

March 13, 2003

3 CCR, Section	Current	Proposed
6618. Notice of Applications	<p>Agricultural pest control business provides notification of the scheduled application to the operator of the property either orally or in writing.</p> <p>This notice shall include location and description of the area to be treated, REI, product name, EPA registration, active ingredient, and posting requirements</p> <p>Operator of the property provides notification to contractors, crew supervisors and/or employees either orally or in writing.</p> <ul style="list-style-type: none"> • Addresses notification for both pending and completed applications • Unclear as to who is ultimately responsible for notifying employees (especially employees of labor contractors) 	<p>Requires the agricultural pest control business to assure that the operator of the property receives notification of the date(s) of the scheduled application either orally or in writing before the application is made. If notice is oral, it must be followed by written notice within 8 hours. The pest control business must also notify the operator of the property of any change in the scheduled application. If notification of the rescheduled application is oral, it must be followed by written notice within 8 hours. The information in the notice remains the same as currently required.</p> <ul style="list-style-type: none"> • Clarifies that the pest control business is responsible for making sure the operator of the property is notified both before the application, and of any changes in the scheduled application • Ensures the operator receives notification and establishes a date to make an application. The operator manages activities based on the application schedule <p>Requires the operator of the property to assure that notice is given each day to employees (including the employees of any contractor hired by him), contractors hired by the operator of the property, and anyone who has permission to be on the property. The employees will be notified whether or not any field they are directed to enter or any field within ¼ mile of the field they are directed to enter has an application scheduled for that day. The information in the notice remains the same as currently required.</p> <ul style="list-style-type: none"> • Addresses notifications for pending applications only • Clarifies that the operator of the property is responsible for notifying anyone who may enter or walk within ¼ mile of area scheduled to be treated • Employees will know that they should expect to <i>always</i> receive a notification

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March 13, 2003

3 CCR, Section	Current	Proposed
6619. Pesticide Application Completion Notice	<p>Agricultural pest control business has up to 24 hours to notify (orally or in writing) operator of the property of completed application.</p> <p>N/A</p>	<p>Requires the agricultural pest control business to assure that the operator of the property receives the completion notification at the time the application is complete or before the beginning of the operator's employees next work period. If this notification is oral, it must be followed by written notification within 8 hours. This notice shall include the following information:</p> <ul style="list-style-type: none"> (1) The location of the property, (2) The pesticide(s) applied; (3) The date and hour the application was completed; and (4) The applicable pre-harvest intervals • Ensures the operator receives the notice and establishes the time when the application was completed. The operator manages work activities based on the application completion time and the expiration of the REI <p>Requires the operator of the property to receive the application completion notice prior to allowing any person to enter the field that was scheduled to be treated.</p> <ul style="list-style-type: none"> • Clarifies that after receiving the notice of scheduled application, the operator of the property is responsible for preventing entry into the field until the completion notice is received <p>Requires the operator of the property to assure that notice is given each day to employees (including the employees of any contractor hired by him), contractors hired by the operator of the property, and anyone who has permission to be on the property. The employees will be notified whether or not any field within ¼ mile of, and including, their scheduled work site has an REI in effect, with the following exceptions: when the field is posted (unless the posting is for a pesticide product requiring dual notification). The notice shall include:</p> <ul style="list-style-type: none"> (1) The location and description of the area for which the notice was intended; (2) The longest time during which entry is restricted for that site; and (3) Instructions not to enter that site, except as provided in section 6770, until the restricted entry interval or other restrictions on entry have expired. • Addresses notifications for completed applications only • Employees will be trained that, unless the field is posted, they should expect to <i>always</i> receive a notification

Summary of Hazard Communication Regulation Concepts

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3 CCR, Section	Current	Proposed
6761.1 Application-Specific Information for Fieldworkers	<p>Requires that pesticide application information for all treated fields within ¼ mile of where employees may be working must be displayed* at a central location as long as workers are on the establishment or until the area no longer meets the definition of treated field (whichever is earlier)</p> <ul style="list-style-type: none"> • Exposure information required for the field the employee is directed to enter, and all fields within ¼ mile 	<p>Option 1: Requires the property operator to orally inform fieldworkers entering a field of one of the following: (1) any applications to that field that have had a restricted-entry interval in effect within the last 30 days, or (2) that there have been no applications to that field with an REI in effect within the last 30 days. Requires the property operator to display* the application information at a <i>central location (see Note)</i> as long as workers are on the site or until the area no longer meets the definition of a treated field (whichever is earlier). <i>Note: We are considering either re-defining central location or offering alternative locations where this information should be displayed.</i></p> <p>Option 2: Requires the property operator to orally inform fieldworkers entering a field of one of the following: (1) any applications that have had a restricted-entry interval in effect within the last 7 days, or (2) that there have been no applications to that field with an REI in effect within the last 7 days. Requires the property operator to display* this information on the decontamination site or stationary site within ¼ mile of where the fieldworkers are working as long as workers are in the field.</p> <p>Exposure information to be displayed and provided orally in Options 1 and 2 must include: the location and description of the treated area; the pesticide product name(s); the date(s) and time(s) the restricted-entry interval(s) and prohibited activity period(s) expired. Information required orally must also include the location where PUR and MSDS are maintained (ref. 6761).</p> <ul style="list-style-type: none"> • Provides workers with exposure information at the worksite • Employees will be trained that they should expect to <i>always</i> receive notice • Exposure information would only be required for the fields the employees are directed to enter (eliminates posting of information on applications within ¼ mile of workers) • Eliminates central posting of information (REI + 30 days), although Hazard Communication information still required under 6761

Summary of Hazard Communication Regulation Concepts

March 13, 2003

3 CCR, Section	Current	Proposed
6770. Field Reentry after Pesticide Application	All hand labor activities are prohibited.	<p>Establishes an exemption in regulation for workers to perform early entry activities (e.g., hand labor) during an REI that are allowed by product labeling.</p> <ul style="list-style-type: none"> • Addresses federal labeling guidance for re-registration
6771. Requirements for Early Entry Workers	<p>“The employer shall assure that early entry workers are informed of pesticide product labeling requirements related to human hazards or precautions, first aid, symptoms of poisoning, use and care of personal protective equipment required for early entry into treated fields, the prevention, recognition, and first aid for heat-related illness, and the importance of washing thoroughly at the end of the exposure period.”</p>	<p>Requires the employer to inform fieldworkers who will be conducting early entry activities of the following:</p> <ol style="list-style-type: none"> (1) Specific information and conditions about the work activities that can and cannot be performed, including whether hand labor is allowed during the restricted-entry interval, and other entry restrictions required by product labeling during or after a restricted-entry interval; (2) Pesticide product labeling requirements related to human hazards or precautions; (3) Symptoms of poisoning; (4) Emergency first aid and decontamination procedures for pesticide injuries or poisonings, including emergency eye flushing techniques; (5) How to obtain emergency medical care; (6) The prevention, recognition, and first aid for heat-related illness if personal protective equipment is used; (7) The need for, use, and care of personal protective equipment required for early entry into treated fields; (8) That clothing and personal protective equipment may be contaminated with pesticide residues; (9) Instructions for removing and storing such clothing and equipment, and laundering such equipment; and (10) The importance of washing thoroughly at the end of the exposure period. <ul style="list-style-type: none"> • Expands and clarifies information that an employer is required to transmit to employees prior to employees entering the field during an REI (early entry requirements)

Summary of Hazard Communication Regulation Concepts

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3 CCR, Section	Current	Proposed
6776. Field Postings	REI expiration date required on signs only when REI exceeds 7 days.	Requires the operator of the property to include the date(s) for unrestricted entry on signs when posting is required by pesticide product labeling or regulation. <ul style="list-style-type: none"> Provides additional information to inform the crew supervisor, fieldworkers and CAC when the REI or other entry restrictions expire.
6761. Hazard Communication for Field Workers	<ul style="list-style-type: none"> Display PSIS A-9 at the work site or at a central location whenever workers are in a treated field [PSIS A-9 lists location of MSDS and pesticide use records (PUR)] Maintain PUR and MSDS at a central location Inform employees of location and availability of records 	No change

*Display means to make information available to the employee so that he or she may readily see and read the document, during normal business hours, without having to make a specific request of any person. This definition does not preclude using a binder or filing cabinet, that otherwise meets these criteria, to contain documents for display.

Hazard Communication and Notification Regulations Stakeholder Meeting and Implementation Schedule (March 13, 2003)

November

Draft proposed regulation concepts in coordination with ENF

December

12/12/02 Present proposed concepts at Coastal CAC group meeting

January

01/15/03 Present proposed concepts at Northern CAC group meeting

01/17/03 Conference call on proposed concepts with Monterey CAC and DPR staff

01/22/03 Present proposed concepts at San Joaquin Valley CAC group meeting

01/28/03 Conference call on proposed concepts with Southern CAC group

01/29/03 Present proposed concepts at Sacramento Valley CAC group meeting

February

02/03/03 Revise concepts based on feedback from above meetings

02/05/03 Present revised concepts at PRAC meeting and submit to ENF for comments

March

Early March Revise concepts based on comments received from PRAC and ENF

03/14/03 Send letter and revised concepts and project status to CAC and U.S. EPA

03/19/03 Send letter with revised concepts to WSRWG, worker advocates and grower groups

April

04/04/03 Present concepts to Monterey grower group and obtain input

04/11/03 Present concepts to Fresno grower group and obtain input

TBA Present concepts to WSRWG and obtain input

TBA Present concepts to worker advocates and obtain input

May

05/5-9/03 Develop draft regulations in coordination with ENF

05/13/03 Finalize draft regulations

05/14/03 Send draft regulations to WSRWG, CAC, U.S. EPA & external stakeholders for comment

05/28/03 Present draft regulations to WSRWG and obtain input

June

06/13/03 Comments on draft regulations due from WSRWG, CAC, U.S. EPA, external stakeholders

06/16-20/03 Meet with ENF to review comments and revise regulations

06/30/03 Finalize regulations

July

TBA Meet with U.S. EPA to discuss equivalency approval on regulations

TBA Meet with U.S. EPA to discuss equivalency approval on regulations

07/30/03 Send letter to U.S. EPA requesting equivalency

August

08/29/03 Receive equivalency from U.S. EPA

08/29/03 Submit proposed regulations to DPR's Office of Legislation and Regulations (OL&R)

September

09/26/03 Review draft rulemaking package (Notice ISR, text) and submit comments to OL&R

October

10/10/03 OL&R finalizes rulemaking package and routes it for approval

10/31/03 DPR files rulemaking package to Office of Administrative Law for notice

ENF: Enforcement Branch WSRWG: Worker Safety Regulation Work Group

CAC: County Agricultural Commissioners PRAC: Pesticide Regulatory Affairs Comm.